

SENATE, No. 626

STATE OF NEW JERSEY 215th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2012 SESSION

Sponsored by:

Senator THOMAS H. KEAN, JR.

District 21 (Morris, Somerset and Union)

SYNOPSIS

"The 10-20-Life Law."

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



1 **AN ACT** concerning prison sentencing for certain crimes committed
2 with firearms and supplementing Title 2C of the New Jersey
3 Statutes.

4
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*

7
8 1. This act shall be known and may be cited as "The 10-20-Life
9 Law."

10
11 2. a. Notwithstanding the provisions of N.J.S.2C:39-4,
12 N.J.S.2C:43-6, N.J.S.2C:43-7 or any other law to the contrary,
13 upon a conviction for N.J.S.2C:11-3, N.J.S.2C:11-4, subsection b.
14 of N.J.S.2C:12-1, N.J.S.2C:13-1, subsection a. of N.J.S.2C:14-2,
15 subsection a. of N.J.S.2C:14-3, N.J.S.2C:15-1, N.J.S.2C:18-2,
16 N.J.S.2C:29-5, N.J.S.2C:35-5 during the commission of which a
17 person: (1) Possesses for an unlawful purpose a firearm or threatens
18 the immediate use of a firearm against the person of another, an
19 additional 10 years shall be added to his term of sentence or
20 extended term of sentence during which he shall be ineligible for
21 parole; (2) Intentionally discharges a firearm at or near a person, an
22 additional 20 years shall be added to his term of sentence or
23 extended term of sentence during which he shall be ineligible for
24 parole; or (3) Intentionally discharges a firearm so as to recklessly
25 cause serious bodily injury as defined in N.J.S.2C:11-1 or death, a
26 sentence or specific term or extended term between 25 years and
27 life imprisonment, of which he shall serve a minimum term of 25
28 years before becoming eligible for parole, shall be added to his term
29 of sentence or extended term of sentence.

30 For the purposes of this section, a "firearm" means a firearm as
31 defined in subsection f. of N.J.S.2C:39-1, provided, however, it
32 shall not include an air gun, spring gun or pistol or other weapon of
33 a similar nature.

34 Notwithstanding the provisions of N.J.S.2C:1-8 or any other law
35 to the contrary, a conviction arising under this act shall not merge
36 with a conviction for a violation of any of the sections referred to in
37 this subsection nor shall any conviction under those sections merge
38 with a conviction under this section. Notwithstanding the
39 provisions of N.J.S.2C:44-5 or any other law to the contrary, the
40 sentence imposed upon a violation of this act shall be ordered to be
41 served consecutively to that imposed for any conviction for a
42 violation of any of the sections referred to in this section or a
43 conviction for conspiracy or attempt to violate any of those
44 sections.

45 b. As an alternative to incarceration, in extraordinary cases or
46 circumstances, the court may grant probation for the conviction of
47 crimes referred to in subsection a. of this act if imprisonment would
48 result in a manifest denial of justice. In such cases, the court shall

1 indicate for the record the reason for not imposing the mandatory
2 penalty.

3

4 3. The Attorney General shall establish a public education
5 program concerning the purpose and provisions of this act,
6 including, but not limited to, multilingual public service
7 announcements, advertisements and billboards to assure the
8 widespread dissemination of information.

9

10 4. There is appropriated to the Department of Law and Public
11 Safety \$500,000 to carry out the public education requirements of
12 section 3 of this act.

13

14 5. This act shall take effect on the first day of the fifth month
15 after enactment.

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STATEMENT

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20 This bill is named the "10-20-Life Law." It calls for
21 enhancements of existing penalties, including "Graves Act"
22 penalties, for the use of firearms in specified crimes.

23 The bill requires that 10 years be added to the sentence of those
24 who possess a firearm for an unlawful purpose or threaten the use
25 of one against another person. It would require that 20 years be
26 added to a term for intentionally firing a gun at or near a person.
27 The bill also calls for an additional sentence of 25 years to life if the
28 intentional firing of a gun recklessly causes serious bodily injury or
29 death. A "firearm" is defined as any handgun, rifle, shotgun,
30 machine gun, automatic or semi-automatic rifle, or any gun, device
31 or instrument in the nature of a weapon from which may be fired or
32 ejected any solid projectable ball, slug, pellet, missile or bullet, or
33 any gas, vapor or other noxious thing, by means of a cartridge or
34 shell or by the action of an explosive or the igniting of flammable
35 or explosive substances, but would exclude air guns and spring
36 guns.

37 These extended sentences, which would be served consecutively,
38 would apply when a firearm is used during the commission of the
39 following crimes: N.J.S.2C:11-3 (murder); N.J.S.2C:11-4
40 (manslaughter); subsection b. of N.J.S.2C:12-1 (aggravated
41 assault); N.J.S.2C:13-1 (kidnapping); subsection a. of N.J.S.2C:14-
42 2 (aggravated sexual assault); subsection a of N.J.S.2C:14-3
43 (aggravated sexual criminal contact); N.J.S.2C:15-1 (robbery);
44 N.J.S.2C:18-2 (burglary); N.J.S.2C:29-5 (escape); and N.J.S.2C:35-
45 5 (manufacturing, distributing, or dispensing certain controlled
46 dangerous substances).

47 For example, if a person is convicted of robbery and is armed
48 with or uses or threatens the immediate use of a deadly weapon

1 such as a firearm, he would be subject to the penalty for a first
2 degree crime, namely 10 to 20 years in prison. Normally, a
3 presumptive term of imprisonment of 15 years would be imposed.
4 If this presumptive term were imposed, the person would be
5 sentenced to 15 years, plus 10 years under this bill or a total of 25
6 years.

7 This bill also would appropriate \$500,000 for an education
8 campaign concerning the provisions and purpose of the bill. It is
9 designed as a deterrent in the hope that it might persuade criminals
10 to think twice about using weapons.

11 The bill is intended to serve as a powerful tool to protect the
12 State's residents and appropriately incapacitate those who would use
13 guns in crimes. It is patterned on legislation enacted in Florida in
14 1999 and California in 1997.